IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 8484 of 2007(I)

PETITIONER:

LEELAMANI, HEAD CLERK,
SUB REGISTRAR'S OFFICE, THALAYAZHAM,
KOTTAYAM DISTRICT, (GANGOTHRI, PALAKKATTU
KUDAMALOOR, KOTTAYAM.

BY ADV. SMT.P.V.ASHA

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF TAXES(E),
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE INSPECTOR GENERAL OF REGISTRATION,
KERALA, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE ORDER G.O (RT) NO.297/2001/VIG DT.30.10.2001

EXHIBIT-P2: TRUE COPY OF THE ORDER G.O (RT) NO.238/2002/VIG. DATED 24.10.2002

EXHIBIT-P3: TRUE COPY OF THE ORDER DATED 6.11.2002 ISSUED BY THE 2ND RESPONDENT

EXHIBIT-P4: TRUE COPY OF THE MEMO OF CHARGES DATED 1.2.2002

EXHIBIT-P5: TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER

EXHIBIT--P6: TRUE COPY OF THE ORDER NO.E.12-29245/02 DATED 18.9.2003

EXHIBIT-P7: TRUE COPY OF THE ORDER NO. G.O NO.594/2006 DATED 3.10.2006 ISSUED BY THE 1ST RESPONDENT

EXHIBIT-P8: TRUE COPY OF THE LETTER DATED 28.2.2007 FROM THE INFORMATION OFFICER, VIGILANCE (C) DEPARTMENT

EXHIBIT-P9: TRUE COPY OF THE LETTER DATED 7.3.2007 FROM THE INFORMATION OFFICER, VIGILANCE DEPARTMENT

/TRUE COPY/

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 8484 of 2007-I

JUDGMENT

The petitioner challenges Ext.P7 order of the Government, by which the disciplinary action against her and 9 others were reopened without notice to them. Serial Nos.4 and 6 in Ext.P7 have challenged that order before this Court in W.P.(C) No.7163/2007. The said writ petition was allowed, quashing Ext.P7 to the extent it affects them, with liberty to the Government to pass fresh orders in the matter in accordance with law. Therefore, it is only appropriate that the very same order is passed in this case also. Accordingly, Ext.P7 to the extent it affects the petitioner is quashed. But, the Government will be free to pass fresh orders in the matter, if it thinks fit, in accordance with law, after affording an opportunity of being heard to the petitioner. This, the Government shall do within three months from the date of production of a copy of this judgment. If no orders are passed within three months as directed above, the petitioner's claim for promotion with effect from the date her juniors were promoted, shall be

considered by the 2nd respondent within one month thereafter.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

27th July, 2007.
nm.